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Attorney for Defendant  
JOSE AYALA-FLORES

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	2:20-CR-00156-RFB-DJA
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER TO
v.	)	CONTINUE SENTENCING
	)	
JOSE ALFREDO AYALA-FLORES	)	
	)	(1 <sup>st</sup> Request)
Defendants.	)	

IT IS HEREBY STIPULATED by and between JOSE ALFREDO AYALA-FLORES, Defendant, by and through counsel DUSTIN R. MARCELLO, ESQ., and the United States of America, by and through, JACOB OPERSKALSKI, Assistant United States Attorney, that sentencing be continued from July 25, 2023, at 9:30 am, at a time convenient to the court, of August 29, 2023 or after at the convenience of the Court. The stipulation is as follows:

1. Mr. Ayala-Flores is currently in custody.
2. Mr. Ayala-Flores is a Spanish speaker only.
3. Mr. Ayala-Flores consents to this request and does not object to the request to continue sentencing.
4. The PSR was obtained by counsel on May 5, 2023
5. Mr. Flores currently has a pending case out of Federal Court in Los Angeles.

6. Mr. Flores currently would like to have more time to understand the PSR, sentencing, and the effect of this case on his other pending matter.

7. Mr. Flores had further requested the PSR to be translated to Spanish rather than read to him in Spanish.

8. Counsel has spoken to the Government and the Government has no objection and stipulates to a continuance.

9. This is the first request to continue sentencing.

DATED this 13<sup>th</sup> day of July 2023

Respectfully submitted.

PITARO & FUMO, CHTD. JASON M. FRIERSON  
UNITED STATES ATTORNEY

/s/ Dustin R. Marcello, Esq.

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JOSE AYALA-FLORES

/s/ Jacob Operskalski, Esq.

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Plaintiff,	)	
	)	
v.	)	
JOSE ALFREDO AYALA-FLORES	)	<b>ORDER TO CONTINUE SENTENCING</b>
.	)	
	)	
Defendants.	)	

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Mr. Ayala-Flores is currently in custody.
2. Mr. Ayala-Flores is a Spanish speaker only.
3. Mr. Ayala-Flores consents to this request and does not object to the request to continue sentencing.
4. The PSR was obtained by counsel on May 5, 2023
5. Mr. Flores currently has a pending case out of Federal Court in Los Angeles.

- 1 6. Mr. Flores currently would like to have more time to understand the PSR, sentencing,  
2 and the effect of this case on his other pending matter.
- 3 7. Mr. Flores had further requested the PSR to be translated to Spanish rather than read  
4 to him in Spanish.
- 5 8. Counsel has spoken to the Government and the Government has no objection and  
6 stipulates to a continuance.
- 7 9. This is the first request to continue sentencing.
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- 9

10 CONCLUSIONS OF LAW

11 The end of justice served by granting said continuance of sentencing outweigh the best  
12 interest of the public and defendant in a speedy resolution since the failure to grant said  
13 continuance would likely result in a miscarriage of justice, would deny the parties herein  
14 sufficient time and the opportunity within which to be able to effectively and thoroughly prepare  
15 for sentencing taking into account the exercise of due diligence.

16 ORDER

17 **IT IS ORDERED** that sentencing currently scheduled for July 25, 2023, at the hour of  
18 9:30 a.m., be vacated and continued to **September 14, 2023 at 10:00 a.m.**

19 DATED this 24th day of July, 2023.

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U.S. DISTRICT JUDGE